

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

JENNIFER G. BODE,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
SUNRISE CREDIT SERVICES, INC.,)	
)	
Defendant.)	Jury Demanded

COMPLAINT

INTRODUCTION

1. This action seeks redress for collection practices that violate the Fair Debt Collection Practices Act, 15 U.S.C. § 1692.

JURISDICTION AND VENUE

2. The court has jurisdiction to grant the relief sought by the plaintiff pursuant to 15 U.S.C. § 1692k and 28 U.S.C. §§ 1331 and 1337. Venue in this District is proper in that defendant directed its collection efforts into the District.

PARTIES

3. Plaintiff Jennifer G. Bode is an individual who resides at 521 East Centennial Drive, Oak Creek, Wisconsin 53154.

4. Plaintiff is a “consumer” as defined in the FDCPA, 15 U.S.C. §1692a(3), in that defendant sought to collect from her debts allegedly incurred for personal, family or household purposes.

5. Defendant Sunrise Credit Services, Inc. (“Sunrise”) is a corporation with offices in New York.

6. Sunrise is engaged in the business of purchasing and collecting upon defaulted debts owed to others and incurred for personal, family or household purposes. Sunrise is a debt collector as defined in 15 U.S.C. § 1692a.

FACTS

7. In or about April 2005, Plaintiff received a debt collection letter from Sunrise regarding an alleged debt. See Exhibit A. This letter stated that “WE HAVE TRIED TO TELEPHONE YOU WITH A ‘ONE TIME PAYOFF SETTLEMENT’ . . .”

8. Exhibit A states that the creditor is Household Card Services.

9. Upon information and belief, Sunrise sent plaintiff an initial communication within one year of he filing of this action which also stated that the creditor was Household Card Services.

10. Upon information and belief, Household Card Services does not own plaintiff’s alleged debt; another entity, such as HSBC Bank, N.A., is the true creditor.

COUNT I—FDCPA

11. Plaintiff incorporates the above numbered paragraphs by reference.

12. Exhibit A’s representation that this is a one time settlement offer is false and misleading; Sunrise would continue to offer settlement on the same and even better terms after the expiration of the so-called one time settlement offer.

13. Exhibit A contains a false statement and violates 15 U.S.C. § 1692e.

COUNT II—FDCPA

14. Plaintiff incorporates the above numbered paragraphs by reference.

15. Defendant has failed to state the true name of the creditor, and instead stated the name of an affiliate.

16. The defendant has therefore violated 15 U.S.C. § 1692e, by making a false representation, and 15 U.S.C. § 1692g, by failing to state the name of the creditor.

CLASS ALLEGATIONS

17. Plaintiff brings this claim on behalf of a class, consisting of (a) all natural persons in the State of Wisconsin (b) who were sent a collection letter stating that the creditor was Household Card Services (c) seeking to collect a debt for personal, family or household purposes, (d) on or after a date one year prior to the filing of this action, (e) that was not returned by the postal service.

18. The class is so numerous that joinder is impracticable. On information and belief, there are more than 50 members of the class.

19. There are questions of law and fact common to the members of the class, which common questions predominate over any questions that affect only individual class members. The predominant common question is whether Exhibit A violates 15 U.S.C. § 1692e.

20. Plaintiff's claim is typical of the claims of the class members. All are based on the same factual and legal theories.

21. Plaintiff will fairly and adequately represent the interests of the class members. Plaintiff has retained counsel experienced in consumer credit and debt collection abuse cases.

22. A class action is superior to other alternative methods of adjudicating this dispute. Individual cases are not economically feasible.

WHEREFORE, plaintiff requests that the Court enter judgment in favor of plaintiff and against defendant for:

- a. Statutory damages;
- b. Attorney's fees, litigation expenses and costs of suit;
- c. Such other or further relief as the Court deems proper.

JURY DEMAND

Plaintiff demands trial by jury.

Respectfully submitted,

S/ Robert K. O'Reilly
Robert K. O'Reilly (SBN 1027032)
John D. Blythin (SBN 1046105)
ADEMI & O'REILLY, LLP
3620 East Layton Avenue
Cudahy, Wisconsin 53110
roreilly@ademilaw.com
(414) 482-8000
(414) 482-8001 (FAX)

EXHIBIT A



**SUNRISE
CREDIT
SERVICES, Inc.**

260 AIRPORT PLAZA, FARMINGDALE, NY 11735-3946
631-501-8500 • 1-800-645-9824
FAX: 631-501-8534



Hours: Monday through Friday 8 AM - 11 PM
Saturday 8 AM - 4 PM



8212267

Jennifer G Bode
718 E Village Green Ct Ct
Oak Creek WI 53154-7523

April 26, 2005

CLIENT: Household Card Services
ACCOUNT NUMBER: 12U-8212267



PRINCIPAL AMOUNT :\$ 590.05
OTHER CHARGES :\$ 0.00
BALANCE DUE :\$ 590.05

----- Please detach and return upper portion with payment -----

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REFERENCE: 5440455006663978

DEAR Jennifer G Bode:

GOOD NEWS! WE HAVE TRIED TO TELEPHONE YOU WITH A "ONE TIME PAYOFF SETTLEMENT" OF \$413.04 FOR THE ABOVE CLAIM. YOU SAVE \$177.01.

IN ORDER TO TAKE ADVANTAGE OF THIS OFFER, SEND IN YOUR PAYMENT ALONG WITH THE UPPER PORTION OF THIS LETTER, NO LATER THAN 10 DAYS FROM THE DATE OF THIS LETTER. SO CALL ME TOLL FREE AT 1-800-645-9824 TO WORK OUT PAYMENT DETAILS VIA TELEPHONE. DID YOU KNOW THAT YOU CAN PAY OVER THE INERNET? VISIT US AT WWW.SUNRISECREDITSERVICES.COM.

SUNRISE CREDIT SERVICES, INC.

Mr. Armella
800-645-9824
58496

COME VISIT US AT WWW.SUNRISECREDITSERVICES.COM FOR CORPORATE INFORMATION, PAYMENTS AND EMPLOYMENT OPPORTUNITIES.

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS COMMUNICATION IS FROM A DEBT COLLECTOR.

PLEASE REFER TO REVERSE SIDE FOR IMPORTANT INFORMATION.

SUNRISE CREDIT SERVICES, INC. • 260 AIRPORT PLAZA, FARMINGDALE, NY 11735-3946

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**CALL OUR TOLL FREE # 1-800-645-9824
LET OUR REPRESENTATIVES HELP YOU
PAY YOUR BILL!**

HERE ARE SOME QUICK AND EASY WAYS!

- **QUICK CHECK**

AT NO EXTRA CHARGE, HAVE YOUR CHECKBOOK AVAILABLE AND PAY BY PHONE!

- **WESTERN UNION**

CALL 1-800-238-5772 FOR THE NEAREST LOCATION GO TO YOUR NEAREST **WESTERN UNION** LOCATIONS (CHECK CASHING STORE, SUPERMARKET, OR PHARMACY)

IDENTIFY YOURSELF AS A "**QUICK COLLECT CUSTOMER**". INCLUDE THE FOLLOWING INFORMATION ON THE "**QUICK COLLECT**" FORM:

- PAYABLE TO: SUNRISE CREDIT SERVICES
- CODE/DESTINATION: SUNRISE, NY
- REFERENCE #: YOUR ACCOUNT #

AFTER PAYING THE CASHIER, CALL OUR TOLL FREE # AND GIVE THE REPRESENTATIVE YOUR ACCOUNT#, AMOUNT PAID, AND MONEY CONTROL # ON THE RECEIPT THE CASHIER GIVES YOU.WITHIN MINUTES, YOUR ACCOUNT IS PAID!

- **AMERICAN EXPRESS MONEYGRAM**

CALL 1-800-926-9400 FOR NEAREST LOCATIONS GO TO YOUR NEAREST MONEYGRAM AGENT (TRAVEL AGENCIES, CURRENCY EXCHANGE)

COMPLETE THE BLUE EXPRESS PAYMENT FORM, INCLUDE OUR FOUR DIGIT RECEIVER CODE **0332**

COMPANY: SUNRISE CREDIT SERVICES
CITY/STATE: FARMINGDALE, NEW YORK
ACCOUNT #: YOUR ACCOUNT #

AFTER PAYING THE CASHIER, CALL OUR TOLL FREE # AND GIVE THE REPRESENTATIVE YOUR ACCOUNT #, AMOUNT PAID AND CONFIRMATION # ON THE RECEIPT THE CASHIER GIVES YOU.

- **CREDIT CARD**

MOST ACCOUNTS CAN BE PAID BY A MAJOR CREDIT CARD

- **PERSONAL OR BUSINESS CHECK, MONEY ORDER, OR CASHIERS CHECK**